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OFFICE OF PETITIONS

In re Application of	:	
GLADNEY, RICHARD F.	:	
Application No. 10/750,540	:	DECISION ON PETITION
Filed: 12/31/2003	:	
Attorney Docket No. SMCY-P02-099	:	

This is a decision on the petition under 37 CFR.1.181, filed November 24, 2008, to withdraw the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the nonfinal Office action, mailed on May 1, 2008, which set a three-month shortened statutory period for reply. On November 14, 2008, the Office mailed a Notice of Abandonment.

Petitioner stated that he timely mailed a reply and a request for an extension of time for response within the third month, which included a certificate of mailing dated Monday, November 3, 2008.


A review of the file reveals that the USPTO received the reply and the request for an extension of time for response within the third month, which included a certificate of mailing date of November 3, 2008. Thus, the reply is considered timely filed on July 23, 2008,¹ with the request for an extension of time for response within the third month. See 37 CFR 1.8(a) and 1.136(a).

¹ When the last day for taking any action or paying any fee in the Office falls on a Saturday, Sunday, or a Federal holiday within the District of Columbia, the action or the fee is considered timely if the action is taken or the fee is paid on the next succeeding business day.

Accordingly, the petition under 37 CFR 1.181 is granted. The holding of abandonment is hereby withdrawn. The application is restored to pending status in view of the fact that a proper response was timely submitted.

The matter is being referred to Technology Center Art Unit 3673 for a review of the reply.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3211. All other questions regarding the status of the application or the examination procedures should be directed to the Technology Center.

A handwritten signature in black ink, reading "Christina Tartera Donnell". The signature is written in a cursive, flowing style.

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions